ICMA-RC
Building Retirement Security

RHS PLAN AMENDMENT PACKAGE

DEFENSE OF MARRIAGE ACT ("DOMA")

This packet provides information for amending your VantageCare Retirement Health Savings (RHS) plan to incorporate changes to the Defense of Marriage Act ("DOMA"). While ICMA-RC has been operating in accordance with the changes to DOMA since 2013, **plan sponsors should formally amend their RHS plan(s) to reflect the federal recognition of marriages between same-sex spouses** (if it isn't already reflected within your RHS plan documents).

Summary of DOMA Changes

- Same-sex couples are married under federal law if they were married in a state or country that recognizes same-sex marriages (i.e., the "state of celebration" will determine whether a marriage is recognized by federal law).
- Effective September 16, 2013, your plan began providing equal benefits to all participants and their spouses whose marriages are recognized by federal law, regardless of whether or not your state recognizes same-sex marriage. Employers in states that do not recognize same-sex marriages should consult with their internal or local legal counsel to determine how to navigate divergent state and federal treatment of same-sex marriages.
- Civil unions, registered domestic partnerships, and other non-marital formal relationships are not recognized as marriages or treated as marriages for federal tax purposes.

Your RHS Plan

RHS plans must recognize same-sex marriages and provide the same benefits to all married participants, including with respect to the following:

- **Eligible Expenses** — Participants may use RHS plan assets for tax-free reimbursement of qualifying medical expenses attributable to their spouses.
- **Survivor Benefits** — In the event of a participant's death, his or her spouse is entitled to use any remaining funds in the RHS plan account for qualifying medical expenses.